

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHE BENSMAINE,

Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 4816 (JLR) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

1. Plaintiffs and Defendants will coordinate discovery in this matter with discovery in the cases pending before Hon. Colleen McMahon and Hon. Gabriel W. Gorenstein under the In re NY City Policing During Summer 2020 Demonstrations, 20 Civ. 8924 (CM) (GWG) docket (the “Consolidated Actions”), except to the extent ordered otherwise by Judge McMahon, Judge Gorenstein, or this Court.

2. Counsel will avoid seeking discovery in this matter that is duplicative of discovery in the Consolidated Actions.

3. Plaintiffs shall pursue discovery as to their municipal liability claims in the Consolidated Actions and abide by the schedule in the Consolidated Actions with respect to that discovery.

4. Plaintiffs shall pursue discovery as to their individual claims in accordance with the Case Management Plan (as amended) in this matter with respect to that discovery.

5. All parties will abide by the protective order entered as ECF No. 115 in the Consolidated Actions as it relates to discovery conducted in the Consolidated Actions as though the order also applied in this matter.

6. All discovery, including document and deposition discovery, that has been and

will be produced or conducted in the Consolidated Actions, is deemed part of this action, subject to any confidentiality restrictions in place as to such discovery in the Consolidated Actions.

7. All rulings on the scope of discovery in the Consolidated Actions shall apply with equal force to this action, except to the extent otherwise ordered by this Court.

8. All depositions taken in the Consolidated Actions (where taken heretofore or hereafter) may be used in this action as if conducted in this action.

9. Plaintiff may depose witnesses that have already been deposed in the Consolidated Actions, only to the extent that they are a named defendant and/or fact witness in the instant matter. However, plaintiff may not re-question witnesses who have already been deposed in the Consolidated Actions on matters which are the subject of prior testimony.

10. Except to the extent otherwise ordered by Judge McMahon or Judge Gorenstein, Plaintiffs' counsel may attend and participate in any further depositions conducted in the Consolidated Actions.

Dated: New York, New York
November 23, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge